

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE EXCHANGE OF REAL PROPERTY OF SUBSTANTIALLY EQUAL VALUE WITH A PROPERTY OWNER, ZH HOLDINGS BUTLER, LLC; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has authority to acquire and exchange real property of substantially equal value, pursuant to the Flagstaff City Charter, Article I, Section 3 and A.R.S. Section 9-407; and

WHEREAS, the City desires to receive property necessary for the Lone Tree Overpass Project in exchange for City property and has published a notice of intent to exchange property.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General

The City of Flagstaff hereby authorizes the exchange of properties of substantially equal value, to consist of a City grant of approximately 5,751 square feet of land to ZH Holdings Butler, LLC (“ZH Holdings”), as legally described and depicted in the attached Exhibits D and E in exchange for a ZH Holdings grant of 6,816 square feet of land to the City for the Lone Tree Overpass Project, as legally described and depicted in the attached Exhibits A and B, and a temporary construction easement of approximately 448 square feet, as legally described and depicted in the attached Exhibit C, with the City to pay ZH Holdings an additional sum of \$31,952 for the exchange, all pursuant to a separate Purchase Agreement approved by City Council. A map depicting the exchange is attached hereto as Exhibit F.

SECTION 2. Delegation of Authority

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Real Estate Manager, or their designees are hereby delegated authority to take all actions necessary and appropriate to complete the transactions approved in this ordinance.

SECTION 3. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the

code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of February, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

- Exhibit A Legal description and depiction
- Exhibit B Legal description and depiction
- Exhibit C Legal description and depiction
- Exhibit D Legal description and depiction
- Exhibit E Legal description and depiction
- Exhibit F Map depicting exchange

****Exhibits are on file with the Flagstaff City Clerk****